

TITLE 29.01 ZONING ¹

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29.01.010 Short Title

This Ordinance shall be known and may be cited as the "Brigham City Zoning Ordinance" and may be identified within this document and other documents as "the Ordinance," "this Ordinance" "Zoning Ordinance," or "Land Use Ordinance." This Ordinance shall be considered and may be identified as a Brigham City Land Use Ordinance, as defined by the Act.

29.01.020 Purpose

This Title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Brigham City, Utah, including among other things, the lessening of congestion in the streets, or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the agricultural and other industries, and the protection of urban development. The Land Use Ordinance is intended to carry out the goals and policies of the General Plan.

29.01.030 Applicability

The provisions of the Zoning Ordinance apply to all private and public development within the corporate limits of the City.

29.01.040 Minimum Requirements

The provisions of this Title represent the minimum requirements necessary to advance its stated purposes. Unless otherwise specified within the ordinance, it does not preclude adding standards and requirements necessary to achieve the policies of the General Plan, the purposes of this Title, or protect the public health, safety, peace, morals, and general welfare

29.01.050 Conflict

This title shall not nullify the more restrictive provisions of covenants, agreements, or other titles or laws, but shall prevail notwithstanding such provisions which are less restrictive.

¹ Section 29-01 - 29-09 completely rewritten upon approval of Ordinance No. 07-13, dated 7/19/07

29.01.060 Prohibitions

A. No lot may be sold, transferred, financed, or otherwise exchanged unless and until it has been created in conformance with the provisions of this title and stated law.

B. No land, building, or structure may be developed, used, occupied, erected, moved or altered without conformance with the provisions of this title and state law.

29.01.070 General Plan Mandate

Land development shall be consistent with the General Plan. The City's administration and its departments shall carry out the mandate of the General Plan when reviewing project proposals, and development plans.

1. Planning Commission Implementation - The Planning Commission shall not approve any project for which it cannot substantiate a finding that the project is consistent with the goals, policies and implementation programs of the General Plan.

2. Board of Adjustment Implementation - The Board of Adjustment shall not approve any variance request for which it cannot substantiate a finding that the project is consistent with the goals, policies and implementation programs of the General Plan.

3. Relationship of the General Plan to the Land Use Ordinance - The General Plan is the adopted policies of the Brigham City Council. The General Plan represents a lengthy public participation process and incorporates long range goals, identified policies, and an implementation program. The content of the General Plan may be cited as a basis for making decisions or as a part of the finding to support actions initiated by this Land Development Code. The General Plan is adopted as a part of this code by reference. The General Plan provides the policies that enable the specific regulations of the Land Development Code to be carried out. Implementation measures in the General Plan provide direction for specific measures within the Land Development Code. When there is a conflict between the General Plan and the Land Development Code, if the General Plan provides precise development standards, the General Plan is to be used. If the General Plan provides policy language and no specific development standards, the Land Development Code's specific measures are to prevail.

29.01.080 Effect on Previous Titles and Maps

The existing titles covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said titles are hereby superseded and amended to read as set forth herein; provided, however, that this Title, including the attached map, shall be deemed a continuation of previous titles and not a new enactment, insofar as the substance of revisions of previous titles is included in this Title, whether in the same or in different language; and this Title shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous titles and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

29.01.090 State and Federal Property

Unless otherwise provided by law, and only to the extent required by Section 10-9a-304, UCA, nothing contained herein adopted pursuant to Part 3, Title 10, Chapter 9a, UCA, shall be construed as giving the Planning Commission or the City Council jurisdiction over properties owned by the State of Utah or the United States government.

29.01.100 Property Owned By Other Governmental Units

Each County, municipality, school district, charter school, special district, and political subdivision of the state shall conform to any applicable land use ordinance of Brigham City installing, constructing, operating, or otherwise using any area, land, or building situated within the City only to the extent required by Section 10-9a-305, UCA.

29.01.110 Building Permit Required

The construction, alteration, repair, or removal of any building, structure, or part thereof as provided or as restricted in this Title shall not be commenced or continued except after the issuance of a zoning permit by the Community Development Department and a written permit from the Brigham City Building Department. Work not started within one year will require a new permit.

29.01.120 Occupancy Permit Required

Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit or occupancy shall be issued by the Brigham City Building Department to the effect that the use, building or premises will conform to provisions of this and related titles prior to occupancy, for any building erected, enlarged or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this amendment, including nonconforming buildings and uses.

29.01.130 Site Plans Required

A detailed site plan, with scale & sheet size determined by the Brigham City Community Development Department, shall be filed as part of any application, prior to request for a zoning permit. It shall show, where pertinent:

- A. Scale of plan, and direction of north point.
- B. Lot lines, adjacent streets, roads, rights-of-way.
- C. Location of all existing structures on subject property and adjoining properties, with utility lines, poles, etc., fully dimensioned.
- D. Location of proposed construction and improvements, with location and dimension of all signs.
- E. Motor vehicle access, circulation patterns, with individual parking stalls, and curb, gutter, and sidewalk locations.
- F. Necessary explanatory notes.
- G. Name, address, telephone number of builder and owner.
- H. All other information required as determined by the Brigham City Community Development Department.

29.01.140 Inspection

The Community Development Department is authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect land uses to determine compliance with zoning title provisions. The Community Development Department or any authorized employee of the City shall use the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with the said title, provided that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any occupied building in the absence of an owner or tenant thereof without written permission of an owner, or written order of a court of competent jurisdiction.

29.01.150 Completion of Requirement Improvements

A. For uses subject to Chapters, 29.06, 29.24, or 29.25, any improvements required under this Title, including but not limited to, curb, gutter, sidewalk, fences, landscaping, streets, parking, and flood control requirements shall be satisfactorily installed prior to the issuance of a certificate of occupancy by the Brigham City Building Department, or if a certificate of occupancy is not required, prior to the issuance of a business license for the land being developed. In lieu of actual completion of such improvements prior to the issuance of a certificate of occupancy or business license, a developer may file with the City Council a cash bond, surety bond, letter of credit, or escrow agreement in an amount specified by the City Engineer to ensure completion of such improvements within one year. The bond may be extended by the City Council upon request. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer shall call for inspections of the improvements by the Brigham City Community Development Department. Upon approval of the City Council following a recommendation of the Planning Commission, and in lieu of the bond requirements of this Section, the builder or developer may be permitted to execute an agreement in a form acceptable to the City's Attorney's Office, deferring any of the required improvements.

B. Inspection shall be made within a reasonable time upon request. If the inspection shows the City standards and specifications have been met in the completion of such improvements, the bond or agreement shall be released within a reasonable time from the time of inspection. If the bond agreement is not released, refusal to release and the reasons therefore shall be given to the developer in writing within a reasonable time from the time of the inspection. The bond may be partially released based upon the percentage of completion of the required improvements.

C. If the City Council determines that the issuance of a certificate of occupancy or a business license prior to completion of any required improvements may be injurious to the health, safety, or welfare of the City

or its inhabitants, it may refuse to accept a bond or deferral agreement in lieu of actual completion of required improvements or may limit the bond or agreement to a period of less than one year.

29.01.160 Enforcement

The Community Development Department is authorized as the enforcing officer for this Title, and shall enforce all provisions, entering actions in court if necessary, and his failure to do so shall not legalize any violations of such provisions. The governing body may, by resolution or title, from time to time entrust administration of this Title, in whole or in part, to another officer of the local jurisdiction, without amendment to this Title.

29.01.170 Nuisance and Abatement

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this Title, and any use of land, building or premise established, conducted or maintained contrary to provisions of this Title shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the local attorney shall, upon request of the governing body, at once commence action or proceedings for abatement and removal of enjoinder thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this Title. The remedies provided for herein shall be cumulative and not exclusive.

29.01.180 Penalties

Any person, firm or corporation (as principal, agent, employee or otherwise) violating, causing, or permitting violation of the provisions of this Title shall be guilty of a misdemeanor, and punishable as provided by law. Such person, firm, or corporation intentionally violating this Title shall be deemed to be guilty of a separate offense for each day during which any portion of any violation of this Title is permitted or continued by such person, firm, or corporation, shall be punishable as herein provided.

29.01.190 Licensing

All departments, officials and public employees of the local jurisdiction which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Title and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Title and any such permit or license, if issued in conflict with the provisions of this Title, shall be null and void.

29.01.200 Fees

Fees may be charged applicants for building, occupancy, and conditional use permits, design review and planned unit development approval, planning commission and board of adjustment hearings, and such other services as are required by this Title to be performed by public officers or agencies. Such fees shall be established by the legislative body and be in amounts reasonably needed to defray costs to the public.

~~Chapter 29.01. General Provisions:~~

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~~29.01.010. Short Title:~~

~~— This Title shall be known as the "Uniform Zoning Title of Brigham City, Utah," and may be so cited and pleaded. —~~

~~29.01.020. Purpose:~~

~~— This Title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Brigham City, Utah, including among other things, the lessening of congestion in the streets, or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the agricultural and other industries, and the protection of urban development. —~~

~~29.01.030. Interpretation:~~

~~— In interpreting and applying the provisions of this Title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. —~~

~~29.01.040. Conflict.~~

~~This title shall not nullify the more restrictive provisions of covenants, agreements, or other titles or laws, but shall prevail notwithstanding such provisions which are less restrictive.~~

~~29.01.050. Effect on Previous Titles and Maps.~~

~~The existing titles covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said titles are hereby superseded and amended to read as set forth herein; provided, however, that this Title, including the attached map, shall be deemed a continuation of previous titles and not a new enactment, insofar as the substance of revisions of previous titles is included in this Title, whether in the same or in different language; and this Title shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous titles and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.~~

~~29.01.060. Definitions.~~

~~Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Title. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, or parcel. Words used in this Title but not defined herein shall have the meaning as defined in any other title adopted by the local jurisdiction.~~

- ~~1. Accessory Use or Building. A use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principle use or building.~~
- ~~2. Adult Day Care Facility. A facility that furnishes care, supervision and guidance for three (3) or more adults unaccompanied by a guardian for periods of less than twenty-four (24) hours per day.²~~
- ~~3. Agent of Owner. Any person who can show written proof that he is acting for the property owner and with the property owner's knowledge and permission.~~
- ~~4. Agriculture. The tilling of the soil, the raising of crops, horticulture and gardening, commercial greenhouses, breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, or similar uses.~~
- ~~5. Agricultural Industry or Business. An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the planning commission.~~
- ~~6. Airport. Any area of land or water designed and set aside for the landing and the taking off of aircraft.~~
- ~~7. Alley. A public access way less than twenty-six (26) feet in width, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this Title.~~
- ~~8. Alterations, Structural. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.~~
- ~~9. Amusement Park. Any place of organized amusement activity not conducted wholly within a completely enclosed building.~~
- ~~10. Architectural Projection. Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.~~
- ~~11. Assisted Living Facility. A residential facility, licensed by the State of Utah, with a homelike setting that provides an array of coordinated supportive personal and health care services, available twenty-four (24) hours per day, to residents who have been assessed under Utah Department of Health or Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:~~

² Ordinance No. 01-10, dated 2/15/01

- ~~_____ A. specified services of intermittent nursing care;~~
- ~~_____ B. administration of medication; or~~
- ~~_____ C. support services promoting resident's independence and self-sufficiency.~~
- ~~_____ An assisted living facility does not include:~~
- ~~_____ A. a residential facility for persons with a disability; or~~
- ~~_____ B. adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.³~~
- ~~_____ 12. Automatic Car Wash. A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1-1/2) tons capacity.~~
- ~~_____ 13. Automobile Paint Shop. A facility for painting of automobiles, trucks, trailers, boats, or other travel or recreation vehicles or units.~~
- ~~_____ 14. Automobile Sales Area. An open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.~~
- ~~_____ 15. Automobile Service Station. A place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major auto repair.~~
- ~~_____ 16. Average Per Cent of Slope. An expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart, measured on a horizontal plane is a one hundred (100) percent slope.~~
- ~~_____ 17. Awning. A shelter projecting from and supported by the exterior wall of a building, constructed of nonrigid materials on a supporting framework.~~
- ~~_____ 18. Basement. A story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where no more than one-half (1/2) of its floor-to-ceiling heights is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purpose of side-yard determination.~~
- ~~_____ 19. Basement House. A residential structure without a full story structure above grade.~~
- ~~_____ 20. Bed and Breakfast Facility. A dwelling meeting the requirements of Section 29.03.210, in which rooms are rented out by the day offering overnight lodgings to travelers and where one or more meals are provided by the host family, the price of which is included in the room rate.⁴~~
- ~~_____ 21. Beginning of Construction. The pouring of concrete footings for a building or structure.~~
- ~~_____ 22. Block. The land surrounded by streets or other rights-of-way, other than an alley, or land which is designed as a block on any recorded subdivision plat.~~
- ~~_____ 23. Boarder. A person living in a rented room in a boarding house. The boarding house operator, or a member of his or her immediate family who resides on the premises with the operator, shall not be deemed a boarder.~~
- ~~_____ 24. Boarding House. A building or portion thereof operated by a person residing on the premises where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. "Compensation" shall include money, services or any other thing of value. A boarding house does not include:~~
 - ~~_____ A. a residential facility for the elderly or persons with a disability; or~~
 - ~~_____ B. any non-residential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants thereof.⁵~~
- ~~_____ 25. Body and Fender Shop. A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders, and including rebuilding.~~
- ~~_____ 26. Buildable Area. The portion of a lot remaining after required yards have been provided, except that land with an average grade exceeding fifteen (15) per cent shall not be considered buildable area unless it is approved by conditional use permit for construction, after study by a geologist, soils engineer, or sanitarian as required by the planning commission.~~

³ Ordinance No. 01-10, dated 2/15/01

⁴ Ordinance No. 00-11, 4/16/00

⁵ Ordinance No. 01-10, 2/15/01

- ~~27. Building. Any structure used or intended to be used for the shelter, or enclosure of persons, animals, or property.~~
- ~~28. Building, Accessory. A building which is subordinate to, and the use of which is incidental to, that of the main building or use on the same lot.~~
- ~~29. Building, Height of. The vertical distance from the average finished grade surface to the highest point of the building roof or coping.~~
- ~~30. Building Inspector. The official designated as the building inspector for the local jurisdiction by the governing body. The building inspector may also be the zoning administrator, if so designated.~~
- ~~31. Campground. A public area designated by a public agency for camping, or a private area licensed by the local governing body for camping.~~
- ~~32. Camping. A temporary establishment of living facilities such as tents or recreational coaches as regulated by this Title.~~
- ~~33. Canopy. A roofed structure constructed of fabric or other material placed so as to extend outward from the building providing a protective shield for doors, windows and other openings supported by the building and supports extending to the ground directly under the canopy.~~
- ~~34. Carport. A private garage not completely enclosed by walls or doors. For the purposes of this Title, a carport shall be subject to all the regulations prescribed for a private garage.~~
- ~~35. Cattery. Land or buildings used in the keeping of three (3) or more cats, six (6) months old or older.⁶~~
- ~~36. Cellar. A room or rooms wholly under the surface of the ground, or having more than fifty (50) per cent of its floor to ceiling height under the average level of the adjoining ground.~~
- ~~37. Child Nursery. An establishment for the care and/or the instruction of five (5) or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.~~
- ~~38. Church. A building, together with its accessory buildings and uses, maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.~~
- ~~39. Clinic, Dental or Medical. A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their professions. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include inpatient care or operating rooms for major surgery.~~
- ~~40. Club, Social. Any organization, group, or association supported by its members where the sole purpose is to render a service to said members and their guests.~~
- ~~41. Community Correctional Facility. A facility licensed by or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of confinement, rehabilitation, or treatment in a correctional institution.~~
- ~~42. Correctional Facility. A prison, jail, juvenile detention facility or juvenile secure facility.⁷~~
- ~~43. Conditional Use. A use of land for which a conditional use permit is required, pursuant to this Title.~~
- ~~44. Condominium. The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.~~
- ~~45. Corral. A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals or fowl.~~
- ~~46. Court. An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.~~
- ~~47. Coverage, Building. The per cent of the total site area covered by buildings.~~
- ~~48. Crisis Nursery. A twenty-four (24) hour group living facility which provides crisis/respite care in a safe homelike atmosphere to a maximum of eight children ages 0 through 14 when there is a potential for abuse, neglect, or an emergency. Crisis care may include room and board for up to 72 hours. Each facility shall:~~
- ~~A. have an employed manager/house parent responsible for day-to-day resident supervision and operation of the facility;~~

⁶ Ordinance No. 99-25, 9/23/99

⁷ Ordinance No. 01-10, 2/15/01

- ~~B. provide medical backup with a licensed physician;~~
- ~~C. have a staff person trained in first aid and CPR on duty at the facility at all times;~~
- ~~D. be state licensed.~~
- ~~E. have the option of providing the following service to parents/guardians of client children or other parents who may benefit from such services:~~
 - ~~1) Parent counseling; and~~
 - ~~2) Parenting workshops.~~
- ~~F. Have adequate parking as determined by the Planning Commission. In making its determination and at its discretion, the Planning Commission may consider the availability of on-street parking, availability of off-site parking, shared or other alternative parking arrangements, or any other information it deems valid and applicable.⁸~~
- ~~49. Crosswalk or Walkway. A right-of-way to facilitate pedestrian access through a subdivision block; designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, at grade, or separated from vehicular traffic.~~
- ~~50. Dairy. A commercial establishment for the manufacture, processing or packaging of dairy products, and their sale; for purposes of this definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.~~
- ~~51. Disability. A physical or mental impairment which substantially limits one or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addition to, any federally controlled substance, as defined in Section 102 of the Controlled Substance Act, 21 U.S.C. 802, or successor law. As used in this definition:~~
 - ~~A. "Physical or mental impairment" includes:~~
 - ~~1. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or~~
 - ~~2. any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.~~
 - ~~3. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.~~
 - ~~B. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.~~
 - ~~C. "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.~~
 - ~~D. "Is regarded as having an impairment" means:~~
 - ~~1. has a physical or mental impairment that does not substantially limit one or more major life activities but is treated by another person as constituting such a limitation;~~
 - ~~2. has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or~~
 - ~~3. has none of the impairments defined in paragraph A of this definition but is treated by another person as having such an impairment.⁹~~
- ~~52. Day Care Center (Nonresidential). Any building or structure, other than an occupied residence or a publicly assessable building (church, school, etc.) that is permitted in a single family zoning district, furnishing care, supervision, and guidance for one or more children unaccompanied by parent or guardian for periods of individual care giving for less than 24 hours per day. The term "Day Care Center (Nonresidential)" is inclusive of kindergartens, preschools, child day care, nursery schools, and all other similar facilities specializing in the education and/or care of children~~

⁸ Ordinance 03-06, 2/20/03.

⁹ Ordinance No. 01-10, 2/15/01

prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.¹⁰

- 53. District. A portion of the territory of the local jurisdiction, established as a zoning district by this Title, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Title; also includes "zone," and "zoning district."
- 54. Domestic Staff. Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing daily life activities.⁷
- 55. Driveway. A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.
- 56. Dwelling. Any building or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, motel, hospital, or nursing home.
- 57. Dwelling, Farm or Ranch Housing. Dwelling units constructed to provide housing for migratory or temporary farm workers; or for persons permanently working on a farm or ranch.
- 58. Dwelling, Mobile Home. See "Mobile Home."
- 59. Dwelling, Single-family. A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- 60. Dwelling, Two-family. A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- 61. Dwelling, Three-family. A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.
- 62. Dwelling, Four-family. A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.
- 63. Dwelling, Multiple-family. A building arranged or designed to be occupied by more than four (4) families, and having more than four (4) dwelling units.
- 64. Dwelling Group. A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.
- 65. Dwelling Unit. One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.
- 66. Easement. That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on, or above said lot or lots.
- 67. Educational Institution. A public elementary or secondary school, seminary, parochial school or private education institution having a curriculum similar to that ordinarily provided in grades one through twelve in a public school system. The term educational institution for the purpose of this Title does not include post high school educational facilities or educational facilities which include residential facilities for its students.
- 68. Educational Institution with Housing. A public or private educational institution with on-site residential facilities for its students and/or staff.
- 69. Elderly Person. A person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.¹¹
- 70. Essential Facilities. Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical substation or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.
- 71. Family. An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.⁹
- 72. Family Food Production. The keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises.

¹⁰ Ordinance No. 96-19, 4/18/96

¹¹ Ordinance No. 01-10, dated 2/15/01

- ~~73. Flood Hazard. A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.~~
- ~~74. Floor Area. Area included within surrounding walls of a building or portion thereof, exclusive of vents, shafts, and courts.~~
- ~~75. Fraternity or Sorority House. A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning, who are associated together in a fraternity/sorority that is officially recognized by such institution and who receive lodging and/or meals on the premises for compensation.⁹~~
- ~~76. Forest Industry. An industry which uses forest products, such as sawmill, pulp or paper plant, wood products plant, and similar uses.~~
- ~~77. Frontage, Block. All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts or that common line between a lot and a public street.~~
- ~~78. Frontage, Lot. The lineal measurement of the front lot line.~~
- ~~79. Garage, Private. A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1-1/2) tons, and not including space for more than a total of four (4) such vehicles for each dwelling unit on the premises, except that not more than two (2) snowmobiles may be stored in addition to the number of other vehicles herein permitted.~~
- ~~80. Garage, Repair. A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A repair garage may also include incidental storage, care, washing, or sale of automobiles.~~
- ~~81. Geological Hazard. A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.~~
- ~~82. Grade.~~
- ~~_____ A. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street.~~
- ~~_____ B. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets.~~
- ~~_____ C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.~~
- ~~_____ D. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.~~
- ~~83. Governing Body. The elected legislative body of the local jurisdiction.~~
- ~~84. Homeless Shelter. Charitable lodging or sleeping rooms provided on a daily or other temporary basis to persons lacking other safe, sanitary or affordable shelter. May also include a kitchen and cafeteria.¹²~~
- ~~85. Home Occupation. The use of a portion of a dwelling customarily used for dwelling purposes, or an attached or detached garage, accessory structure, or yard space as an office, studio, teaching or work room for occupations which are conducted in the home, or an attached or detached garage, accessory structure, or yard space and which is clearly incidental and accessory to the primary use of the dwelling or the attached or detached garage, accessory structure, or yard space and which also meets all the conditions and requirements of Chapter 20 of this Ordinance.¹³~~
- ~~86. Hospital. An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the~~

¹² Ordinance No. 01-10, 2/15/01

¹³ Ordinance No. 00-32, 8/17/00

- supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty-four hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital.¹⁰
- ~~87. Hotel. A building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are, for compensation, lodged, with or without meals.~~
- ~~88. Household Pets. Animals ordinarily permitted in Utah residences and kept for the company or pleasure of Utah residents, such as domesticated dogs, domesticated cats, and domesticated birds. Household pets also include tropical fish, amphibians, reptiles, or invertebrates of a number that do not constitute a health hazard or nuisance, and can be safely and humanely kept in aquariums, cages, or enclosures, the cumulative size of which shall not exceed fifty (50) cubic feet per household. Household pets shall not include a sufficient number of dogs as to constitute a kennel, nor sufficient cats as to constitute a cattery, nor more than six birds. Household pets shall not include the keeping of "dangerous animals," "vicious animals," "wild animals," or "livestock," as defined in Title 4 of the Brigham City Code. Furthermore, household pets shall not include exotic, pygmy, or dwarf variations of animals defined as either "wild animals" or "livestock" in Title 4 of the Brigham City Code, including but not limited to miniature horses, pygmy goats, and Vietnamese pot-bellied pigs, notwithstanding that such animals may be kept as household pets by residents of other communities.¹⁴~~
- ~~89. Inundation. Ponded water or water in motion of sufficient depth or velocity to damage property, due to the presence of the water or to the deposit of silt.~~
- ~~90. Jail. A facility established and operated by the County, either directly or under a contract with a private provider, for confinement of persons in lawful custody.¹⁵~~
- ~~91. Junk. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; dismantled, junked, or wrecked automobiles or parts thereof; and old or scrap ferrous or non-ferrous metal materials.~~
- ~~92. Junk Yard. The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.~~
- ~~93. Juvenile Detention Facility. A facility established and operated by the State of Utah, either directly or under a contract with a private provider, for temporary detention of delinquent juveniles.~~
- ~~94. Juvenile Secure Facility. A facility established and operated by the State of Utah, either directly or under a contract with a private provider, for incarceration of delinquent juveniles.¹³~~
- ~~95. Kennel. Any premises where three (3) or more dogs older than four (4) months are kept. Except that not more than five (5) of not more than four (4) months old may be kept in the rural residential, agricultural, and multiple-use districts as an accessory use to a use allowed in the district.~~
- ~~96. Licensed Family Group Child Care Provider. A child care provider who cares for nine (9) to sixteen (16) children unrelated to the licensee for less than 24 hours a day with a regularly scheduled, ongoing enrollment, for direct or indirect compensation in the provider's home, and who meets all standards and requirements of the State of Utah's rules for Licensed Family Child Care. Licensed Family Group Child Care shall be a Home Occupation subject to the approval of requirements of Chapter 29.20. Licensed Family Group Child Care providers shall obtain conditional use approval, approval of the State of Utah and a business license prior to operation. A conditional use approval for Licensed Family Group Child Care shall be issued to the applicant and shall expire upon lapsing of a business license or State of Utah license, or at such time that the applicant is no longer residing at the address at which approval is granted.¹⁶~~
- ~~97. Livestock. Any normally domesticated animal that is ordinarily kept on a farm, such as cattle, swine, sheep, goats, mules, burros, horses, geese, ducks, turkeys, llamas, etc.¹⁷~~

¹⁴ Ordinance No. 99-25, 9/23/99.

¹⁵ Ordinance No. 01-10, 2/15/01

¹⁶ Ordinance No. 00-29, dated 7/20/00.

¹⁷ Ordinance No. 99-25, dated 9/23/99.

- 98. Local Attorney. The attorney employed by or officially representing the local jurisdiction.
- 99. Local Building Inspector. The building inspector employed by or officially representing the local jurisdiction.
- 100. Local Engineer. The engineer employed by or officially representing the local jurisdiction.
- 101. Local Governing Body. See Governing Body.
- 102. Local Health Officer. The health officer or department employed by or officially representing the local jurisdiction.
- 103. Local Jurisdiction. Brigham City, Utah.
- 104. Local Planner. The planner employed by or officially representing the local jurisdiction.
- 105. Lot. A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three (3) or more smaller units.
- 106. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees.
- 107. Lot Depth. The horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.
- 108. Lot, Interior. A lot other than a corner lot.
- 109. Lot Frontage Required. The length of the front lot line, which is coterminous with the front street line.
- 110. Lot Lines. The property lines bounding the lot.
- 111. Lot Line, Front. For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, adjacent to the architectural front or main entry. The lot line, front shall be used for address designation.¹⁸
- 112. Lot Line, Rear. Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the building inspector shall designate the rear lot line.
- 113. Lot Line, Side. Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.
- 114. Lot, Restricted. A lot having an average slope of twenty-five (25) per cent or more or which does not contain a buildable area of at least seventy-five (75) feet by one hundred (100) feet with an average slope of less than fifteen (15) per cent, such lot being prohibited as a building site, or being required to be increased in area and width, and regulated and allowed to be developed only as required by the planning commission.
- 115. Lot Right-of-way. A strip of land of not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.
- 116. Lot Width. The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.
- 117. Lot, Unrestricted. A lot having an average slope of less than twenty-five (25) per cent and containing a buildable area of at least seventy-five (75) feet by one hundred (100) feet with an average slope of less than fifteen (15) per cent, which buildable area is designated as such on the subdivision plat in which the lot is located, if the average slope of the lot is greater than fifteen (15) per cent.
- 118. Marquee. A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.
- 119. Mobile Home. A detached, single-family dwelling unit of not less than thirty (30) feet in length, designed for long-term occupancy, and to be transported on its own wheels or on flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or a shower bath, kitchen facilities, and plumbing and electrical connections provided for except for connections to utilities and other minor work. Pre-sectionalized, modular, or prefabricated houses not placed on a permanent foundation shall be regarded as mobile homes; if placed upon a permanent foundation, such structures which meet all applicable building and housing codes shall

¹⁸ Ordinance 96-08 dated 5/9/96.

- not be considered as mobile homes, but shall be regulated as conventional housing; and mobile homes which are placed on permanent foundations and meet all applicable building and housing codes shall be regulated as conventional housing.
- ~~120. Mobile Home Lot. A lot within a mobile home subdivision, designed and to be used for the accommodation of one (1) mobile home.~~
- ~~121. Mobile Home Park. A space designed and approved by the local jurisdiction for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of the zoning title and mobile home park title for mobile home parks.~~
- ~~122. Mobile Home Space. A space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.~~
- ~~123. Mobile Home Stand. That part of the mobile home space which has been reserved for the placement of the mobile home and its appurtenant structures or additions.~~
- ~~124. Mobile Home Subdivision. A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes exclusively.~~
- ~~125. Model Home/Temporary Sales Office. A structure that is used for the marketing of lots or structures in the subdivision or contiguous property in which they are located, with the following criteria:~~
- ~~A. The model home/temporary sales office must be reverted to a use that complies with the current ordinances or removed when the subdivision is more than 80% developed or has been occupied as a model home/temporary sales office for three (3) years, whichever comes first.~~
- ~~B. Adequate off-street parking is provided.~~
- ~~C. Front and side yards are landscaped in a manner conducive to the neighborhood. The rear yard is maintained in a weed free manner.~~
- ~~D. An exterior lighting plan is provided indicating the location, direction and timing of all lighting on the site.~~
- ~~E. A signage plan is provided indicating the size and location of all signs. All signs shall be in conformance with the sign ordinance.~~
- ~~F. The hours of operation must be approved by the Planning Commission.~~
- ~~G. The structure shall not be used as a personal residence, general real estate office, or construction management office for off-site development while serving as a model home/temporary sales office.~~
- ~~H. The structure is conducive to the neighborhood.¹⁹~~
- ~~126. Modular Home. A permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site; said modular home is classed as a mobile home until it is placed on a permanent foundation and complies with all governing building codes.~~
- ~~127. Motel. A building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.~~
- ~~128. Non-conforming Building or Structure. A building or a structure which does not conform to the regulations for height, coverage or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.~~
- ~~129. Non-conforming Use. The use of a building or structure or land which does not conform to use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.~~
- ~~130. Nursing Home. An intermediate care/nursing facility or a skilled nursing facility, licensed by the State of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment, require assistance and/or supervision on a twenty-four (24) hour per day basis. Such facility does not include an adult day care facility or adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.²⁰~~
- ~~131. Official Map. A map which has been adopted as the official map of the local jurisdiction, showing existing public streets, streets on plats of subdivisions which have been approved by the planning~~

¹⁹ Ordinance No. 05-17, dated 7/07/05.

²⁰ Ordinance No. 01-10, 2/15/01

- commission, and/or other street extensions, widenings, narrowings, or vacations which have been accurately surveyed and definitely located.
- ~~132. Off-street Parking Space. The space required to park one (1) passenger vehicle, which space shall meet the requirements of this Title.~~
- ~~133. Off-site Facilities. Improvements not on individual lots but generally within the boundaries of the subdivision which they serve, and as further outlined in this Title.~~
- ~~134. On-site Facilities. Construction or placement of the dwelling and its appurtenant improvements on a lot.~~
- ~~135. Open Space. The area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of planned unit developments.~~
- ~~136. Open Space, Usable. Usable open space shall be any portion of a lot or building which meets all the following conditions:~~
- ~~A. The space shall be open to the sky or shall be open to view on at least two sides.~~
- ~~B. The space shall be readily accessible by foot traffic from the dwelling unit to which it is accessory.~~
- ~~C. If the space is provided on a balcony, roof, or other facility above grade, it shall have such protective devices as are deemed necessary by the zoning administrator to assure reasonably safe usage by children and adults.~~
- ~~D. The space shall not be provided from any required front or side yard, parking area, or driveway space.~~
- ~~137. Owner. The holder of the fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, and his or its lessees, permittees, assignees, or successors in interest.~~
- ~~138. Package Agency. Any outlet authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.~~
- ~~139. Parapet. The extension of a false front or wall above a roofline.~~
- ~~140. Parcel of Land. See "Lot."~~
- ~~141. Parking Lot. An open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.~~
- ~~142. Pedestrian-way. See "Crosswalk."~~
- ~~143. Permanent Cosmetics. A mark or design made on or under the skin by a process of pricking or engraving an indelible pigment, dye or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the natural line of the feature and shall be limited to eyeliner, eyebrows or lip coloring procedures only.²¹~~
- ~~144. Planned District. A zoning district, the boundaries of which are to be shown on the zoning map, but the regulations for which shall be determined by a general development plan to be adopted by the governing body as part of the zoning title, after public hearing, as required for other zoning districts.~~
- ~~145. Planned Unit Development (PUD). An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.~~
- ~~146. Plot Plan. A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the planning commission.~~
- ~~147. Prison. A facility for incarceration of persons convicted of crimes, established and operated by the State of Utah or by a private provider pursuant to the provisions of the Private Correctional Facilities Act, Chapter 13c, Title 64, Utah Code Annotated, as amended.²²~~
- ~~148. Private Nonprofit Locker Club. A social, recreational, or athletic club, or kindred association, incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed, or sold.~~

²¹ Ordinance No. 04-03, 1/15/04

²² Ordinance No. 01-10, dated 2/15/01.

- ~~149. Private Nonprofit Recreational Grounds and Facilities. Nonprofit recreational grounds and facilities operated by a nonprofit corporation, association, or group.~~
- ~~150. Protective Housing Facility. A facility operated, licensed or contracted by a governmental entity, or operated by a charitable, nonprofit organization, where, for no compensation, temporary, protective housing is provided to:~~
- ~~A. abused or neglected children awaiting placement in foster care;~~
- ~~B. pregnant or parenting teens;~~
- ~~C. victims of sexual abuse; or~~
- ~~D. victims of domestic abuse.~~
- ~~151. Reasonable Accommodation. A change in a rule, policy, practice, or service necessary to afford a person equal opportunity to use and enjoy a dwelling. As used in this definition:~~
- ~~A. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to the person with a disability.~~
- ~~B. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.~~
- ~~C. "Equal opportunity" means achieving equal results as between a person with a disability and a non-disabled person.¹⁸~~
- ~~152. Recreational Coach. A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.~~
- ~~153. Recreational Coach Park. Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one or more owners or users of recreational coaches for a temporary time not to exceed thirty (30) days. Such park may also be designated as "Overnight Park."~~
- ~~154. Recreational Coach Space. A plot of ground within a recreational coach park designated and intended for the accommodation of one (1) recreational coach.~~
- ~~155. Rehabilitation/Treatment Facility. A facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants. A Rehabilitation/ Treatment Facility does not include a residential facility for persons with a disability.~~
- ~~156. Residence. A place where an individual is actually living at a given point in time and not a place of temporary sojourn or transient visit.²³~~
- ~~157. Residential Certificate Child Care Provider. A child care provider who cares for one (1) to eight (8) children in the provider's home, having a regular scheduled, ongoing enrollment, for direct or indirect compensation. A residential certificate child care provider may not care for more than eight children including the provider's own children under age four. The provider also may not care for more than two children under age two, including the owner's own children under age two. Residential certificate child care is a home occupation subject to the approval requirements of Chapter 29.20. A residential certificate child care provider shall be required to obtain approval of the State of Utah, if required by the State of Utah, and a business license prior to operation. Home occupation approval for Residential Certificate Child Care shall be issued to the applicant and shall expire upon lapsing of a business license or State of Utah license, or at such time that the applicant is not longer residing at the address at which approval is granted.²⁴~~
- ~~158. Residential Facility for Elderly Persons. A dwelling unit owned by a resident thereof or an immediate family member of a resident, or for which the title has been placed in trust for a resident, and is voluntarily occupied on a twenty-four (24) hour per day basis by eight (8) or fewer elderly persons in a family-type arrangement. A "residential facility for elderly persons" does not include any facility:~~

²³ Ordinance No. 01-10, dated 2/15/01.

²⁴ Ordinance No. 00-29, dated 7/20/00.

- ~~A. operated as a business; provided that such facility shall not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;~~
- ~~B. where persons are placed:~~
- ~~1. for alcoholism or drug abuse treatment; or~~
- ~~2. as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;~~
- ~~C. which is a health care facility as defined by Section 26-21-2 of the Utah Code, as amended; or~~
- ~~D. which is a residential facility for persons with a disability.~~
- ~~159. Residential Facility for Persons with a Disability. A dwelling unit or other place in which more than one person with a disability resides and, if required by State law, is licensed or certified by:~~
- ~~A. the Utah Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Program and Facilities; or~~
- ~~B. the Department of Health under Title 26, Chapter 21, of the Utah Code, Health Care Facility Licensing and Inspection Act.¹⁹~~
- ~~160. School, Private. A school which is operated by a quasi-public or private group, individual, or organization, and which has a curriculum similar to that provided in any public school in the state of Utah. Private schools may be nonprofit, or profit-making establishments.~~
- ~~161. School, Public. A school operated by a school district or other public agency in the state of Utah.~~
- ~~162. Sexually-Oriented Business. Those land uses subject to regulation under Chapter 14.19 of the Brigham City Code.²⁵~~
- ~~163. Sheltered Workshop. A nonresidential facility providing supervised educational or vocational training facilities for persons with a disability.²⁶~~
- ~~164. Site Plan. A plan required by, and providing the information required by, Section 11-2 herein.~~
- ~~165. Stable, Private. A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for hire, remuneration, or sale.~~
- ~~166. Stable, Public. Any stable where horses are boarded and/or kept for hire.~~
- ~~167. State Store. An outlet for the sale of liquor located on the premises, said premises owned or leased by the State of Utah.~~
- ~~168. Storage Unit. A self-service storage facility where any real estate is designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing property.~~
- ~~169. Story, Half. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls do not extend more than four (4) feet above the floor of such story; and the ceiling area of which does not exceed two-thirds (2/3) of the floor area of the same half story.~~
- ~~170. Structure. Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building."~~
- ~~171. Subdivision, Cluster. A subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located, but which complies with the cluster subdivision provisions of this Title and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.~~
- ~~172. Support Staff. Persons employed or residing on the premises of a dwelling or other residential facility to assist residents in performing daily life activities or to provide on-site treatment, rehabilitation, or habilitation services.~~
- ~~173. Tattoo. A mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye or ink in the skin, excluding permanent cosmetics.~~
- ~~174. Tattoo Establishment. Any location, place, area, structure or business used for the practice of tattooing or the instruction of tattooing, excluding permanent cosmetics establishments.²⁷~~

²⁵ Ordinance No. 01-23, dated 4/19/01.

²⁶ Ordinance No. 01-10, dated 2/15/01.

²⁷ Ordinance No. 04-03, 1/15/04

- ~~Tattoo and Body Art Establishment. Any location, place, area, structure or business used for the practice of tattooing or the instruction of tattooing, body piercing, scarification, and branding, excluding permanent cosmetics establishments.²⁸~~
- ~~175. Trade or Vocational School. A post-high school educational or vocational training facility.~~
- ~~176. Transitional Housing Facility. A facility owned, operated or contracted by a governmental entity or a charitable, nonprofit organization which provides free temporary housing to homeless persons for at least thirty (30) days while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility does not include:~~
- ~~A. a homeless shelter;~~
- ~~B. a dwelling unit provided to a family for its exclusive use as part of a transitional housing program for more than thirty (30) days; or~~
- ~~C. a residential facility for persons with a disability.²³~~
- ~~177. Vicinity Plan. A map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within three hundred (300) feet of the property proposed for development.~~
- ~~178. Yard. A required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Title.~~
- ~~179. Yard, Front. A space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.~~
- ~~180. Yard, Rear. A space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.~~
- ~~181. Yard, Side. A space on the same lot with a building, between the side line of the building, and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.~~
- ~~182. Zone. See "District."~~
- ~~183. Zoning Administrator. The local official designated by the local governing body to enforce the regulations of this Title; the zoning administrator may also be the building inspector.~~
- ~~184. Zoning Title. The zoning title of the local jurisdiction.~~

~~29.01.070. Building Permit Required.~~

~~The construction, alteration, repair, or removal of any building, structure, or part thereof as provided or as restricted in this Title shall not be commenced or continued except after the issuance of a zoning permit by the zoning administrator and a written permit from the building inspector. Work not started within one year will require a new permit.~~

~~29.01.080. Occupancy Permit Required.~~

~~Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit or occupancy shall be issued by the zoning administrator to the effect that the use, building or premises will conform to provisions of this and related titles prior to occupancy, for any building erected, enlarged or altered structurally, or the occupancy or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this amendment, including nonconforming buildings and uses.~~

~~29.01.090. Site Plans Required.~~

~~A detailed site plan, with scale & sheet size determined by the zoning administrator, shall be filed as part of any application, prior to request for a zoning permit. It shall show, where pertinent:~~

- ~~A. Scale of plan, and direction of north point.~~
- ~~B. Lot lines, adjacent streets, roads, rights-of-way.~~
- ~~C. Location of all existing structures on subject property and adjoining properties, with utility lines, poles, etc., fully dimensioned.~~

²⁸ Ordinance No. 06-04, 4/20/06

- ~~_____ D. Location of proposed construction and improvements, with location and dimension of all signs.~~
- ~~_____ E. Motor vehicle access, circulation patterns, with individual parking stalls, and curb, gutter, and sidewalk locations.~~
- ~~_____ F. Necessary explanatory notes.~~
- ~~_____ G. Name, address, telephone number of builder and owner.~~
- ~~_____ H. All other information required as determined by the zoning administrator.~~

~~29.01.100. Inspection.~~

~~_____ The zoning administrator is authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect land uses to determine compliance with zoning title provisions. The zoning administrator or any authorized employee of the local jurisdiction shall use the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with the said title, provided that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any occupied building in the absence of an owner or tenant thereof without written permission of an owner, or written order of a court of competent jurisdiction.~~

~~29.01.105. Completion of Requirement Improvements.~~

~~_____ A. For uses subject to Chapters, 29.06, 29.07, or 29.11, any improvements required under this Title, including but not limited to, curb, gutter, sidewalk, fences, landscaping, streets, parking, and flood control requirements shall be satisfactorily installed prior to the issuance of a certificate of occupancy by the Building Official, or if a certificate of occupancy is not required, prior to the issuance of a business license for the land being developed. In lieu of actual completion of such improvements prior to the issuance of a certificate of occupancy or business license, a developer may file with the City Council a cash bond, surety bond, letter of credit, or escrow agreement in an amount specified by the City Engineer to ensure completion of such improvements within one year. The bond may be extended by the City Council upon request.²⁹ Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer shall call for inspections of the improvements by the Zoning Administrator. Upon approval of the City Council following a recommendation of the Planning Commission, and in lieu of the bond requirements of this Section, the builder or developer may be permitted to execute an agreement in a form acceptable to the City Attorney's Office, deferring any of the required improvements.~~

~~_____ B. Inspection shall be made within a reasonable time upon request. If the inspection shows the City standards and specifications have been met in the completion of such improvements, the bond or agreement shall be released within a reasonable time from the time of inspection. If the bond agreement is not released, refusal to release and the reasons therefore shall be given to the developer in writing within a reasonable time from the time of the inspection. The bond may be partially released based upon the percentage of completion of the required improvements.~~

~~_____ C. If the City Council determines that the issuance of a certificate of occupancy or a business license prior to completion of any required improvements may be injurious to the health, safety, or welfare of the City or its inhabitants, it may refuse to accept a bond or deferral agreement in lieu of actual completion of required improvements or may limit the bond or agreement to a period of less than one year.³⁰~~

~~29.01.110. Enforcement.~~

~~_____ The zoning administrator is authorized as the enforcing officer for this Title, and shall enforce all provisions, entering actions in court if necessary, and his failure to do so shall not legalize any violations of such provisions. The governing body may, by resolution or title, from time to time entrust administration of this Title, in whole or in part, to another officer of the local jurisdiction, without amendment to this Title.~~

~~29.01.120. Nuisance and Abatement.~~

~~_____ Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this Title, and any use of land, building or premise established, conducted or maintained contrary to provisions of this Title shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the local attorney shall, upon request of the governing body, at once commence action or proceedings for abatement and removal of enjoinderment thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such~~

²⁹ Ordinance No. 03-15, 4/3/03

³⁰ Ordinance No. 99-22, 9/9/99

~~building or structure, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this Title. The remedies provided for herein shall be cumulative and not exclusive.~~

~~29.01.130. Penalties.~~

~~Any person, firm or corporation (as principal, agent, employee or otherwise) violating, causing, or permitting violation of the provisions of this Title shall be guilty of a misdemeanor, and punishable as provided by law. Such person, firm, or corporation intentionally violating this Title shall be deemed to be guilty of a separate offense for each day during which any portion of any violation of this Title is permitted or continued by such person, firm, or corporation, shall be punishable as herein provided.~~

~~29.01.140. Amendments.~~

~~The local governing body may from time to time amend the number, shape, boundaries or areas of any district, or regulation, or other provision of the zoning title, but any such amendment shall not be made or become effective until after fifteen (15) days notice and public hearing and unless the same shall have been proposed by or be first submitted to the planning commission for its recommendation, which shall be returned within thirty (30) days.~~

~~29.01.150. Hearing and Publication and Notice Before Amendment.~~

~~Before finally adopting any such amendment, the governing body shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the local jurisdiction.~~

~~29.01.160. Licensing.~~

~~All departments, officials and public employees of the local jurisdiction which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Title and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Title and any such permit or license, if issued in conflict with the provisions of this Title, shall be null and void.~~

~~29.01.170. Fees.~~

~~Fees may be charged applicants for building, occupancy, and conditional use permits, design review and planned unit development approval, planning commission and board of adjustment hearings, and such other services as are required by this Title to be performed by public officers or agencies. Such fees shall be established by the legislative body and be in amounts reasonably needed to defray costs to the public.~~

~~29.01.180. Television Satellite Antennas (or Dish Antennas).~~

~~Building permits are required for television satellite antennas (or dish antennas) and shall comply with the following regulations: EXCEPTION: Dish Antenna 24" or less in diameter are not regulated by this section.³¹~~

~~A. Location~~

~~1. All television satellite antennas shall have setbacks as required for accessory building, except as further limited herein, if free standing. The setback shall be measured from the property lines to the nearest point of the antenna. The distance for rotating dish antennas shall be measured from the nearest point of the antenna in its closest rotational configuration.~~

~~2. In any commercial or manufacturing zone, such antenna may be located on the roof or in the rear or side yards; but shall only be permitted in the front yard or in a side yard facing the street on a corner lot, by approval of the Board of Adjustment when a usable satellite signal cannot be obtained in an otherwise approved location.~~

~~3. Television satellite antennas shall only be located in the rear yard of any lot in any residential zone. If a usable satellite signal cannot be obtained from such rear yard, the antenna may be located on the roof or side yard by approval of the Board of Adjustment.~~

~~B. Antenna Size~~

~~A television satellite antenna exceeding twelve (12) feet in diameter in a residential zone shall be considered a conditional use and subject to the provisions of Chapter 6 of this title.~~

~~C. Antenna Height.~~

³¹ Ordinance No. 00-01, 1/20/00

~~_____ No antenna shall exceed the height limitation in its respective zone.~~

~~_____ D. Construction Standards.~~

~~_____ 1. All antennas shall be erected in a secure and wind resistant manner.~~

~~_____ 2. Every antenna must be adequately grounded for protection against a direct strike of lightning.~~

~~_____ 3. All antennas in a residential zone shall be located and designed to reduce the visual impact from surrounding properties at street level and from public streets.~~

~~_____ E. Temporary Television Satellite Antennas~~

~~_____ Temporary television satellite antennas (or "dish antennas") may be located on property for up to a total of thirty (30) days without being subject to the provisions of this title.~~